

### **REMARKS**

Claims 1-31 remain pending in the present application. Claims 1, 4-7, 9-12, 20 and 28-30 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **SPECIFICATION**

The abstract of the disclosure is objected to because the abstract on lines 2, 3, 5, 8, 11 and 12 contain the word "may", which is not a proper narrative positive expression. The abstract has been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

### **CLAIM OBJECTIONS**

Claims 20-27 are objected to because of informalities. Claim 20 has been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-9 and 11-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tomcik, et al. (U.S. Pat. No. 6,567,388) filed March 5, 1999. Independent Claims 1, 11, 20, 28 and 30 have been amended to define the first or the confirmation acknowledgement as acknowledging successful receipt of the entire requested content. Thus, once the sender knows that the entire requested content has been successfully received, the utilization acknowledgement can be sent allowing the requestor to use the

content and/or a billing system can be activated to bill the requestor for the information because there is now an assurance that the requestor has received the content.

Tomcik, et al. works exactly opposite to what is now defined in the amended claims of the present invention. Tomcik, et al. sends out a number of NAKs when a frame has not successfully been received. The NAKs are negative acknowledgement messages. Tomcik does not disclose, teach or suggest the sending of a delivery confirmation acknowledgement of successful receipt of the entire requested content. In fact, the sender in Tomcik, et al. never knows if the frame has been successfully received since after trying three times to send and receive the frame, the frame is simply ignored by the receiver for use in constructing the original data. (column 6, lines 45-50).

Thus, Applicant believes independent Claims 1, 11, 20, 28 and 30, as amended, patentably distinguish over the art of record. Likewise, Claims 2-9, 12-19, 21-27, 29 and 31 which ultimately depend from one of these independent claims are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over 1-9 and 11-31 are rejected under U.S.C. § 102(e) as being anticipated by Tomcik, et al. (U.S. Pat. No. 6,567,388). Claim 10 depends from Claim 1. As detailed above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record.

Thus, Claim 10 is also believed to patentably distinguish over the art of record.  
Reconsideration of the rejection is respectfully requested.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 5, 2004

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